

Application Serial No. 09/944,278

REMARKS

1. Applicant thanks the Examiner for his findings and conclusions.

5 2. It should be appreciated that Applicant has elected to amend Claims 1-3, 7, 10-12, 14, 16, 21, 22, 24, 27-29, 33, 36-38, 40, 42, 47, 48, 50, 53, and 56 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any
10 way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

15 Amendments herein to Claims 2, 3, 7, 11, 12, 14, 16, 21, 22, 24, 28, 29, 33, 37, 38, 40, 42, 47, 48, 50, 53, and 56 were not made for any reason related to patentability. Claims 3, 21, 29, 47, and 53 were amended to clarify the invention. Claims 2, 3, 7, 10-12, 14, 16, 22, 24, 28, 29, 33, 36-38, 40, 42, 48, 50, 53, and 56 were amended to conform with standard claim drafting
20 practices. None of the foregoing amendments is related to the pending rejections; all amendments were made for reasons other than patentability.

3. Claims 14, 22, 40, 48, and 56 stand rejected under 35 U.S.C. § 112 as being indefinite.

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Applicant amends Claims 14, 22, 40, 48, and 56 to conform with standard claim drafting practices. Accordingly, the rejection of Claims 14, 22, 40, 48, and 56 under 35 U.S.C. § 112 as being indefinite is deemed to be overcome.

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4. Claims 1-3, 8-14, 18-29, 34-40 and 44-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,732,398 (hereinafter "Tagawa").

5 **Claims 1 and 27**

As to Claims 1 and 27, respectfully the Applicant disagrees. Claims 1 and 27 require storing travel information from internal and external partners. Tagawa is cited by the Examiner in four sections in regards to the second clause of Claims 1 and 27 addressing a database. The first cited section, column 5, lines 12-14, addresses searching an inventory database for the desired services. The second cited section, column 4, lines 25-28, also describes searching the database. The third cited section, column 5, lines 59-63, teaches a database for a given region. The fourth cited section, column 8, lines 55-60, is not relevant to the given subsection of the claimed clause.

10 None of the four cited sections of Tagawa address the partners subject matter requirement of Claims 1 and 27. Further, both internal partners and external partners are required subject matter of Claims 1 and 27. As the cited sections of Tagawa does not address partners, the cited section of Tagawa cannot address two types of partners, internal and external. Still further, Claims 1 and 27 require storing travel information from the partners. None of the four sections address storing travel information from the partners. Hence, not all of the required subject matter of Claims 1 and 27 is taught or described by Tagawa. Accordingly, the rejection of Claims 1 and 27 and all claim dependent therefrom under 35 U.S.C. § 102(b) as being anticipated by

15 Tagawa is deemed to be improper.

Applicant amends Claims 1 and 27 in order to further distinguish Claims 1 and 27 from the cited art. First, Claims 1 and 27 are amended to clarify that the database is coupled to a feed system. Further, Claims 1 and 27 are amended to clarify that the feed system retrieves content from internal and external partners. Still further, Claims 1 and 27 are amended to describe the database as categorized and customized. Yet still further, Claims 1 and 27 are

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amended to clarify that the retrieved content is stored within the database. Support for the amendments is found at least in the application as filed at page 8, lines 9-13 and in original Claims 1 and 27. Applicant certifies that no new matter is added by way of the amendments. Tagawa does not teach or describe any of: a feed system, internal and external partners, a categorized database, a customized database, or storing retrieved content in a database. Hence, as amended not all of the required subject matter of Claims 1 and 27 is taught or described by Tagawa. Accordingly, the rejection of Claims 1 and 27 and all claims dependent therefrom under 35 U.S.C. § 102(b) as being anticipated by Tagawa is deemed to be overcome.

Claims 2 and 28

As to Claims 2 and 28, respectfully the Applicant disagrees. Original Claims 2 and 28 require a plurality of internal and external partners. As discussed, *supra*, Tagawa does not teach or describe a partner or both internal and external partners. At best, the kiosk system taught by Tagawa is a set of linked servers. No external partner is taught by Tagawa. As no external partner is taught or described in Tagawa, not all of the required subject matter is taught by Tagawa. Accordingly, the rejection of Claims 2 and 27 and all claims dependent therefrom under 35 U.S.C. § 102(b) as being anticipated by Tagawa is deemed to be overcome.

Further, Claims 2 and 27 are amended to conform with standard claim drafting practices due to the amendment to Claim 1. The feed system of Claims 1 and 27 store the content into a database and Claims 2 and 27 clarify that the retrieved content is organized and stored into the database. In stark contrast, Tagawa's kiosk system accesses other kiosks but does not store content from a separate kiosk to a central database associated with the server requesting travel information. Further, as the content is not stored onto the database, it is not organized using the feed retrieval system before storing. Still further, the retrieved content does not come from at least an external partner. Accordingly, the rejection of Claims 2 and 27 and all claims

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dependent therefrom under 35 U.S.C. § 102(b) as being anticipated by Tagawa is deemed to be overcome.

Claims 3 and 29

- 5 Claims 3 and 29 are amended to clarify that the retrieved content is stored into the database. Tagawa does not teach storing the retrieved content into a database. Claims 3 and 29 are further amended to clarify that the stored information is in a customized format used by a search engine. Tagawa does not teach customizing the obtained data into a format readable by a search
10 engine. Accordingly, the rejection of Claims 3 and 28 and all claims dependent therefrom under 35 U.S.C. § 102(b) as being anticipated by Tagawa is deemed to be overcome.

Claims 19 and 45

- 15 As to Claim 19, the Applicant respectfully disagrees. In reference to Claim 19, the Examiner cites Tagawa at column 11, lines 1-4, which addresses selection of local visitor attractions by way of a touch screen. In stark contrast, Claim 19 contains the required subject matter of means for determining said home location when not provided by an end user. A means
20 for clause must be interpreted using the corresponding section of the application. The means for clause of Claim 19 is interpreted, at least in part, using the application as filed at page 9, lines 6-8, which describes the use of a zip code in a user profile to guess the home airport of the end user. Tagawa does not use a user profile to determine a location. Accordingly, the rejection
25 of Claim 19 under 35 U.S.C. § 102(b) as being anticipated by Tagawa is deemed to be improper.

- As to Claim 45, Tagawa at column 11, lines 1-4 does not teach or describe determination of a home location of a user when not provided by an end user.
30 Hence, not all of the claim elements of Claim 45 are taught by Tagawa.

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Accordingly, the rejection of Claim 45 under 35 U.S.C. § 102(b) as being anticipated by Tagawa is deemed to be improper.

- 5 5. Claims 4, 5, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. patent no. 6,457,009 (hereinafter "Bollay").

10 In view of the above described amendments to parent Claims 1 and 27, the current rejection of dependent Claims 4, 5, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of Bollay is rendered moot.

- 15 6. Claims 6, 7, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. patent no. 6,601,059 (hereinafter "Fries").

15 In view of the above described amendments to parent Claims 1 and 27, the current rejection of dependent Claims 6, 7, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of Fries is rendered moot.

- 20 7. Claims 15-17, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of www.travelocity.com.

25 The pending patent application was filed August 30, 2001 and has a priority date back to at least August 30, 2001. Applicant asserts that the www.travelocity.com website has been updated since August 30, 2001. A reference to a current website does not predate the filing date of the pending patent. An Examiner is required to cast his mind back to the time of the invention. If the Examiner wishes to cite the www.travelocity.com website, the Examiner needs to provide a copy of the website prior to the filing date of the application. Accordingly, without more the current rejection of Claims 15-17,

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41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of www.travelocity.com is deemed to be improper.

8. Claims 53-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. patent no. 5,995,972 (hereinafter "Allgeier").

As to Claim 53, the Applicant respectfully disagrees as not all of the required subject matter of Claim 53 is addressed in the rejection. Claim 53 requires that subsequent to querying a first database and a querying a second database that a spell check tool is invoked if no match is established and the process of querying the first and second database is repeated. As the Examiner points out, Tagawa does not teach or describe any of querying a first database, querying a second database, invoking a spell check tool, or repeating the query. Allgeier is cited at column 1, line 59 to column 2, line 2 and at Claim 1. Neither of the cited sections of Allgeier teaches or describes invocation of a spell check tool. Further, neither cited section of Allgeier teaches or describes repeating a query to the first or second database. Hence, not every required claim element is address in the current rejection. MPEP 706 states that "the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." Each and every limitation of a claim must be considered by the Examiner in the rejection of a claim. MPEP 706.02(j) states that "it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given a fair opportunity to reply." Here, no opportunity to reply is available as no grounds of rejection have been cited by the Examiner for the claim limitations of an invoked spell check tool or for repeating a query to the first or second database. Accordingly, the rejection of Claim 53 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of Allgeier is deemed to be improper.

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9. Claim 53 is amended to clarify that after invocation of the spell check tool that at least one of the queries to the first or second database is repeated.
- 5 10. Claim 53 is further amended to correct a grammatical/typographical error.
11. Claims 7, 10-12, 16, 24, 33, 36-38, 42, and 50 are amended to conform with standard claim drafting practices.
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12. Applicant amends Claims 21 and 47 to clarify that said list of predetermined home locations comprises at least fifty predetermined cities or home airports. Support for these amendments is found in the application as filed at least at page 4, lines 14-16; page 4, line 19; and page 8, line 35 to
15 page 9, line 1. Applicant certifies that no new matter is added by way of this amendment.
13. New Claims 57-60 are added to the Application. Support for new Claims 57 and 59 is found in original Claims 11 and 37, respectively. Support
20 for new Claims 58 and 60 is found at least in Figure 6. Additional support for is found in the application as filed at Figure 2; page 1, line 32 to page 2, line 2; and page 6, lines 5-9. Applicant certifies that no new matter was added by way of the new claims.
- 25 New Claims 57 and 59 requires requesting travel information for an interest. New Claims 58 and 60 present travel destinations based upon the interest request. In stark contrast, Tagawa teaches that after a search for a destination is performed local interests are described. This is the opposite of searching for interests and then based upon the interests giving destinations.
- 30 As the applicant states in the application as filed at page 2, lines 1-2 travelers

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sometimes travel due to an interest, as opposed to due solely to a particular destination." For example, if the end user types in the word, skiing, the search mechanism determines skiing is an interest and not a destination, and pulls up the appropriate requested information.

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CONCLUSION

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections and objections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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